THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 22908 of 2006

Date: 22.03.2007

Between:

G. Shyamala Rao and others.

..... PETITIONERS

AND

The General Manager, Telecom District,
BSNL, Srikakulam and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 22908 of 2006

Order:

The petitioners claim that they worked as casual labour with the respondents-BSNL earlier, and have completed 240 days of continuous service in a year, and therefore, they are entitled for regularization of their services, but the action of the respondents-BSNL in not regularizing their services, though the services of similarly situated casual labour were regularized, and engaging fresh candidates by disengaging their services, is illegal and arbitrary.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents-BSNL.

By this writ petition, the petitioners are seeking to re-engage them as casual labour on the ground that earlier they worked as casual labour for some time in the respondents-Organisation and to regularize their services. Their further case is that some of the juniors and freshers are engaged as casual labour by disengaging their services. The issues, raised in this writ petition, namely, whether the petitioners earlier worked as casual labour in the respondents-Organisation, and if so, whether they have completed 240 days of continuous service in a year; whether the petitioners are also entitled for regularization on par with similarly placed persons, and whether some of the juniors and freshers are engaged as casual labour by disengaging the services of the petitioners, are all disputed questions of fact, which can be decided only after adducing evidence by the parties, and this Court, in exercise of jurisdiction under Article 226 of the Constitution of India, cannot decide the same based on the averments made in the writ affidavit.

The writ petition is devoid of merit and the same is accordingly dismissed. However, the petitioners are at liberty to approach the

appropriate forum provided under law. No costs.

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N.V. RAMANA, J.

Date: 22.03.2007
Nsr/Sj